



PRESENT:

Mr. Jack R. Wilson, III, Chairman
Mr. Daniel A. Gecker, Vice-Chairman
Mr. Russell J. Gulley
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Benjamin Humphrey, Planner, Development
Review, Planning Department

Ms. Amy Somervell, Senior Planner, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanagan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. John W. Harmon, Manager, Right of Way,
Utilities Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Lt. John P. Jones, Assistant Fire Marshal, Fire & Life Safety,
Fire Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Gulley, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)

- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Sidewalk Policy Revisions.**
- G. Status of Regional Best Management Practices (BMP) Plan.**
- H. Upper Swift Creek Plan Amendment and Related Ordinance Amendments.**
- I. Code Amendment relative to Sale of Alcoholic Beverages within Proximity of School Sites.**
- J. Adjournment.**

Mr. Turner noted Mr. Wilson would be joining the meeting at the 3:00 p. m. Afternoon Session.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission amended the agenda to add new Items VI. and XII., Citizens' Input on Unscheduled Matters to the 7:00 p.m. Evening Session.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT: Mr. Wilson.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming case schedules for the June 20, July 18 and August 15, 2006 Planning Commission meetings, noting the substantive percentages of requests being deferred.

Mr. Gulley requested that staff provide information regarding the reasons for the deferrals.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission suspended their By-Laws to increase the caseload for the 7:00 p. m. Session of the July 18, 2006, Planning Commission Meeting to accommodate deferrals only.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT: Mr. Wilson.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins and Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. PLANS AND INFORMATION SECTION UPDATE.

Mr. Larson updated the Commission as to the status of the Work Force Housing project, an analysis of Age-Restricted Housing in the County, a correction to the Jefferson Davis Corridor Plan land use map and a pending meeting relative to the Northern Courthouse Road Plan amendment.

The Commission requested staff provide a report on Age-Restricted Housing in Chesterfield County for their June 20, 2006, Work Session.

E. WORK PROGRAM.

There were no additions, deletions or revisions to the Commission's Work Program and it was the consensus of the Commission to adopt their June 2006 Work Program, as presented.

F. SIDEWALK POLICY REVISIONS.

Mr. Newcomb presented a summary of, and staff's recommendation for, the Sidewalk Policy Revisions project, noting the changes adopted by the Virginia Department of Transportation (VDOT), effective January 1, 2005, which affect the location of sidewalks eligible for acceptance by VDOT and subsequently affect the Commission's Residential Sidewalk Policy.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Litton, that the Commission set the date of, and requested staff advertise, June 20, 2006, at 7:00 p. m., for a public hearing to consider the Sidewalk Policy Revisions.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT: Mr. Wilson.

G. STATUS OF REGIONAL BEST MANAGEMENT PRACTICES (BMP) PLAN.

Messrs. McElfish and Flanigan updated the Commission as to the current status of the Regional Best Management Practices (BMP) Plan and discussed/answered questions relative to water quality issues.

Mr. Wilson arrived at the meeting at approximately 2:30 p. m.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Gecker, that the Commission requested the Swift Creek Reservoir Watershed Management Plan be brought to the Commission for review/possible suggested amendments.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSTAINED: Mr. Wilson, as he was not present for the discussion.

H. UPPER SWIFT CREEK PLAN AMENDMENT AND RELATED ORDINANCE AMENDMENTS.

There was no discussion of, and the Commission took no action relative to, the proposed Upper Swift Creek Plan Amendment and related Ordinances.

I. CODE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES WITHIN PROXIMITY OF SCHOOL SITES.

Upon conclusion of discussion, the Commission requested the Code Amendment relative to the sale of alcoholic beverages within proximity of school sites be brought to the Commission for review/possible suggested amendments.

J. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Litton, that the Commission adjourned at approximately 2:30 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the April 18, 2006, Planning Commission minutes.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to approve the April 18 2006, Planning Commission minutes, with the following correction:

Page 50, paragraph 6:

"AYES: Messrs. Wilson and Litton.
~~"ABSENT~~ **NAYS:** Messrs. Gecker, Gulley and Bass."

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL.**

06PR0366: In Matoaca Magisterial District, **OTTERDALE PARTNERS, LLC** requested deferral to September 19, 2006, for consideration of an appeal review to the Director of Environmental Engineering's perennial stream determination. This request lies in an Agricultural (A) District on a 74.4 acre parcel fronting approximately 520 feet on the east line of Otterdale Road south of Foxcreek Crossing. Tax ID 712-672-3060 (Sheet 15).

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, and excused himself from the meeting at 3:03 p. m.

Ms. Ashley Harwell, the applicant's representative, requested deferral to the September 19, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 06PR0366, Otterdale Partners, LLC (Palmore Tract), to the September 19, 2006, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

Mr. Wilson returned to the meeting at approximately 3:04 p. m.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PM0299: In Clover Hill Magisterial District, **KROGER MID-ATLANTIC** requested site plan approval for an expansion of the existing facility to include a freezer expansion, drive-thru pharmacy and a new building entrance configuration. This project is commonly known as **KROGER EXPANSION-HICKS ROAD**. This request lies in a Community Business (C-3) District on part of an 18.27 acre parcel fronting approximately 565 feet on the east line of Hicks Road. Tax ID 759-693-Part of 0608 (Sheet 11).

Mr. Tim Caldwell, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that site plan approval for an expansion of the existing facility to include a freezer expansion as well as a drive-thru pharmacy, for Case 06PM0299, Kroger Mid-Atlantic (Kroger Expansion-Hicks Road), shall be and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05TS0196:* In Midlothian Magisterial District, **DARREL NEILSON** requested approval of a tentative subdivision plat. This development is commonly known as **THE BATTERY AT OLD GUN**. This request lies in a Residential (R-40) District on a 20.12 acre parcel fronting approximately 300 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax ID 735-721-2025 and 736-720-7067 and 8978 (Sheet 2).

Mr. Tompkins presented an overview of the request and staff's recommendation.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

In response to questions from Mr. Gecker, Mr. Scherzer addressed issues relative to, and noted the submittal of, a substitute tentative application to remove a stub road to the Tarrington Tract, if this request were approved. He further addressed concerns relative to the provision of a stub road to the property south of the subject request, the addition of a condition addressing the provision of a vegetative strip along the southern property line and the provision of only one (1) road connection to the Old Gun development.

Mr. Wilson opened the discussion for public comment.

Ms. Nancy Frantel, a County resident, noted concern relative to abandoned, underground mines, the potential for the collapse of mine shafts in the area and asked that the request be denied. She further noted, if the request were approved, she was requesting the Commissioners and County staff sign, and have notarized, public safety guarantee letters.

Mr. Tom Marsee, an adjacent property owner, expressed concerns relative to traffic volumes, safety hazards and the potentially adverse impact a sewer connection across his property could have on his existing irrigation system.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from the Commission, various staff members and Mr. Scherzer addressed issues/answered questions relative to abandoned, underground mines; stub road connections; potential sewer connections; and other issues of concern.

Mr. Gecker stated he felt orderly development had already occurred in this area; he did not feel this proposal was consistent with the vision for future development in the area; added there were still several issues that needed to be resolved; and he did not intend to make a motion on the request.

Upon conclusion of further discussion, the following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 05TS0196, Darrell Neilson (The Battery at Old Gun), to the June 20, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PS0338: In Bermuda Magisterial District, **WHITE OAKS DEVELOPMENT, LLC** requested schematic plan approval for a mixed use project. This project is commonly known as **WHITE OAK TREE FARM & APARTMENT COMPLEX**. This request lies in a General Business (C-5) District on a 77.07 acre parcel fronting approximately 370 feet on the west line of Old Stage Road approximately 575 feet off the north line of Route 10 and also fronting approximately 1,950 feet on the east line of Interstate 95. Tax IDs 802-656-4121 and 803-655-1650 (Sheets 26 and 27).

Ms. Carrie Coyner, the applicant's representative, accepted deferral of the request by Mr. Wilson to the June 20, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 06PS0338, White Oaks Development, LLC (White Oak Tree Farm and Apartments), to the June 20, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06TS0291: In Clover Hill Magisterial District, **LBV INVESTMENTS LLC** requested Planning Commission approval of a fifty (50) lot single family subdivision. The minimum lot size is 15,000 square feet and the maximum lot size is 468,270 square feet (10.75 acres). This development is commonly known as **ELM CREST**. This request lies in a Residential (R-15) District on 36.9 acres fronting approximately sixty (60) feet on the west line of Courthouse Road approximately 560 feet north of Smoketree Drive, also fronting approximately 580 feet on the south line of Berrand Road approximately 1,225 feet west of Courthouse Road. Tax IDs 742-702-7055; 743-701-Part of 7043; 743-702-1454 and 1916; and 744-701-1388 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that tentative subdivision plat approval for Case 06TS0291, LBV Investments (Elm Crest), shall be and it thereby was granted, subject to the following conditions and review notes:

CONDITIONS

1. The tentative shall be revised and resubmitted for administrative approval in order to address Ordinance requirements as follows:
 - a. Please show the roadway classification and design volume for Courthouse Road on the tentative plan sheet. (T)

- b. Additional pavement shall be constructed on Courthouse Road to provide a right turn lane in conjunction with the construction of Elm Crest Drive. (T)
- c. Road right of way needs to be expanded adjacent to 210 Courthouse Road, GPIN 744-701-5183, or the area between the road right of way should be deeded to 210 Courthouse Road in order to eliminate the spike strip of right of way. (T)
- d. Relocate the fifteen (15) foot tree preservation strip to the northern edge of proposed Elm Crest Drive. (P)
- e. Proffer 11 of zoning Case 05SN0199 stipulates the provision of a private ingress and egress easement from proposed subdivision road (Elm Crest Drive?) to parcel 744-702-5914. Please address. (P)
- f. On the revised tentative plan, graphically show how lot 49 will be served by public sewer. (U)
- g. Graphically show a sixteen (16) foot sanitary sewer easement along the common property line of lots 16 and 17. (U)
- h. With respect to the annotation of the right of way of Courthouse Road which projects into the property which reads "existing VDOT SWM pond to be removed and right of way to be vacated." Please clarify what is going on here. Is this something that has been worked out with VDOT or only a proposal? How does the removal of this facility get mitigated? (EE)
- i. There is an existing pond on 156 Courthouse Road which has been chronically problematic for the owner. The VDOT pond shown to be removed along with the other existing VDOT SWM pond to the north are a part of an elaborate storm sewer system off Courthouse Road which was designed and implemented with the recent Courthouse Road improvements to address the ongoing problems experienced by the pond on 156 Courthouse Road. Please show the twenty-four (24) inch RCP which discharges into the project from the VDOT SWM pond in this right of way finger. In consideration of potential downstream problems, the Environmental Engineering Department is letting the applicant know and VDOT know that it is against the removal of the BMP and the vacation of the right of way. (EE)
- j. Please show the existing twenty-one (21) inch RCP culvert under the driveway just into the church property into which the narrow wetland band running parallel to the parking lot discharges. This drainage course proceeds into a finely manicured lawn area and shallows up to a very shallow cross section providing little or no capacity. The tentative should provide the property ownership of this parcel. Also, a wetlands determination of this drainage course needs to be made. If there is a pipe discharging from the project into this drainage course towards the existing twenty-one (21) inch RCP, the channel adequacy requirement will extend down

through this yet to be identified property to where the backyard lawn returns back to a natural condition. (EE)

- k. Please show the existing twenty-four (24) inch RCP into which the wetlands which begin in lot 47, pass through lot 49 and cross the property into the church area drains. In terms of culvert adequacy, this culvert is in all likelihood adequate. What appears to be needed is improvements along the shared property line at the rear of lot 49 to more efficiently direct the water into the invert of this pipe as opposed to potential periodic flooding of the parking lot. With respect to the Smoketree Recreation Association, the Epiphany Catholic Church and the residential property served by the twenty-one (21) inch RCP please note Condition 12. (EE)
- l. Please clarify the status of the area on the south side of Elmcrest Drive along the road frontage of lot 50 and east of the tree line. There appears to be an existing parking lot into which a road connection will be made into Elmcrest Drive. There is also a narrow piece of property between Elmcrest Drive right of way and the property to the south at 210 Courthouse Road. With the indication in the general notes that there is no open space, does this mean that this entire area is lot 49 and that there will be an easement in favor of The Most Reverend Walter E. Sullivan to permit the existence of a parking lot on a residentially zoned lot? (EE)
- m. To avoid confusion, please slightly adjust the limits of the RPA on lot 50 to coincide with the limits of the wetlands on the intermittent leg and provide a 100 foot conservation buffer double arrow near the property line of 156 Courthouse Road to clarify that the RPA is accurately located off of the perennial leg. (EE)
- n. For graphical accuracy the RPA in this vicinity should be shown in its entirety as it is as shown coming up into the existing Ashley Woods SWM/BMP. The RPA will be shown encroaching into 156 Courthouse Road. This may be of significance, particularly with respect to what the allowable backwater elevation for the culvert crossing of this perennial stream would be allowed to be. (EE)
- o. Please provide a letter from the recognized wetland expert regarding the accuracy of the wetland's delineation portrayed on the tentative plan that is the basis for the RPA-limits establishment. Suggested wording is, "I have viewed the tentative plan for Elm Crest dated January 23, 2006, by Balzer and Associates and find that it portrays an accurate representation of my field delineation of the wetlands located adjacent to the perennial streams." (EE)
- p. There are two (2) substantial drainage areas which frame in the building envelope for lot 50. In both cases, the twenty-five (25) foot setback is measured off of the wetlands limit. There is reason to think that an assessment of the 100 year floodplain limits on these two (2) watercourses will result in a greater encroachment of those lots than that which is occupied by the wetlands. The building envelope for lot 50 will be established by the greater of the encroachment between the wetlands or the floodplain. (EE)

- q. With respect to CBPA, the note referring to an off site BMP located in Jessup Farms is not valid. All credits once possessed by this regional BMP have been allotted to other projects. In order to obtain authorization for pollutant removal credit from an offsite BMP, a letter of exception request to the Director of Environmental Engineering must be submitted and approved. (EE)
- r. Completion of the preliminary CBPA process is a prerequisite to tentative approval. (EE)
- s. An assessment of the topography in relation to the lot layout has revealed several areas of storm water concentration which are in potential conflict with the desire not to have storm drainage problems related to the development of the house and lot. These are engineering issues which should be addressed by the construction plans and not left to the individual builders to deal with. The physical "low" of these drainage corridors should be field located and appropriate engineering proposals with respect to filling, grading, drainage storm sewer and building envelope locations should be made a part of the construction plans. These areas are as follows:
 - (a) the accumulation of drainage down a corridor which begins in lot 7 through the rear of lots 8 and 15 through the center of lots 14, 13 and 12. (EE)
- t. An assessment of the topography indicates a large portion of the project naturally drains into the existing lake owned by Ashley Woods Community Association. In light of Proffered Condition 17, which seems to preclude the utilization of an ideal approach to stormwater management, the Environmental Engineering Department is requesting that the tentative provide a conceptual representation of the means by which the stormwater from this project will be discharged into existing natural receiving channels that meet all applicable regulations. (EE)
- u. Even though the development of Ashley Woods and Finchley predates the inception of the Bay Act, Minimum Standard 19 was in effect but it was known as General Condition 7 in those days. This lake was the means by which the surrounding development addressed an otherwise inadequate natural drainage system downstream. If the vision is for a storm sewer system to collect all drainage, bypass the lake and discharge downstream of the dam, there is the strong potential for MS19 issues to result in the need for an additional onsite SWM/BMP in the uplands of lot 49 which otherwise could have been addressed by the existing lake. (EE)
- v. The wetlands impact of the stream shown at the base of the Ashley Woods SWM/BMP is in recognition of the sanitary sewer to cross the channel to tie into the existing manhole. Since there is a strong likelihood that a storm sewer will also be discharging in this location, the Environmental Engineering Department wants the assurance that the wetland impacts permit that is being sought is not

just for a temporary impact of a sewer line crossing but one that permits a sophisticated means of permanent energy dissipation in this location for storm water discharge. This will involve lots of rip rap and if the storm sewer profile permits a workable hydraulic grade line, an Upper Swift Creek Watershed end treatment device will be directed by the Environmental Engineering Department. (EE)

2. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
3. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
4. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
5. The 100-year floodplain surrounding the wetlands in lot 50 will be shown as field located on the construction plans and shall be re-field verified prior to the issuance of a certificate of occupancy. An NBP shall be stipulated for the affected lots. (EE)
6. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (EE)
7. The areas of storm-water runoff concentration as discussed in the Environmental Engineering Department tentative report dated April 18, 2006 will be field located and shown on the plans. The construction plans shall designate the affected lots with an NBP, and an engineered storm sewer, filling, grading, and drainage plan shall be included in the construction plans. (EE)
8. The sub-divider shall post signs demarking the limits of the RPA so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
9. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)

10. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
11. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
12. Prior to recordation, the Environmental Engineering Department must have received notification from VDOT that improvements to the State road(s) into which this project intersects and which, have been authorized by an issued Land Use Permit, have been satisfactorily completed. (EE)
13. Unanticipated problems in the existing adjacent downstream developments which in the opinion of the Environmental Engineering Department, are caused by increases in stormwater runoff from the project shall be the responsibility of the subdivider. (EE)
14. The existing VDOT SWM pond which discharges storm water into the project via a twenty-four (24) inch RCP as shown on the tentative plan shall not be removed and the right of way shall not be vacated. (EE)
15. The engineering for the project shall include velocity stabilization and capacity assessments for the drainage course downstream of the existing twenty-one (21) inch RCP as shown on the tentative plan and as directed by the Environmental Engineering Department. (EE)
16. The applicant shall formulate his permit request to the Corps and DEQ in a way which will permit a permanent impact of a portion of the stream with rip rap and other appropriate measures as directed by the Environmental Engineering department in the location below the Ashley Woods SWM/BMP. (EE)
17. The erosion and sediment control plan shall include a separate procedure for the crossing of the stream by the sewer line which will involve among other things temporary damming, pumping, adequate hose length, dirt bags or other measures deemed to be equivalent. (EE)
18. The construction plans shall clearly indicate that the sewer line excavation will not impact the existing dam of the Ashley Woods SWM/BMP in any way. Pre-construction plan approval notification shall include but not be limited to David L. Jefferson and all parties whose lots in Ashley Woods back up to the Ashley Woods SWM/BMP. (EE)
19. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (EE)

20. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
21. It is the subdivider's responsibility to see that this proposed development complies with the Chesterfield County Fire Department's required fire flow of 1000 gpm at 20 psi residual. (U)
22. Hydrant locations shown on the tentative plan may not be in acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)
23. Standard conditions. (P)
24. All setbacks around cul-de-sacs shall be uniform. (P)
25. All proffered conditions regarding house size from Case 05SN0199 shall be noted on the final check and record plats. (P)
26. Proffered Condition 6 from zoning Case 05SN0199 shall be addressed and approved by Planning at final check plan approval. (P)
27. Prior to recordation the proposed connection of Elm Crest Drive to the existing parking lot on Tax ID 743-701-7043 shall be subject to additional review and approval through the minor site plan process. (P)
28. Prior to recordation a plan depicting the planting and fencing in areas of 100 square feet and greater in clearance along the tree preservation strip, shall be submitted to Planning for approval. (P)
29. Prior to recordation a parcel line modification application shall be submitted, reviewed and approved by Planning to permit the .73 acre as shown on the tentative to be deeded to Tax ID 744-702-5144. (P)
30. Twenty five (25) feet of right of way shall be dedicated along the entire property frontage on Berrand Road, free and unrestricted, to and for the benefit of Chesterfield County in conjunction with recordation of the first section of this tentative. (T)
31. The twenty (20) foot buffer along Berrand Road shall be noted as a no lot access on the final check and record plats for all lots that are adjacent to Berrand Road. (T)
32. All offsite right of way required for road improvements on Courthouse Road shall have the deed book and page number shown on the final check plat and record plat prior to recordation of the first section of this subdivision. (T)

REVIEW NOTES:

- A. The use of the public water and sewer system is required by Ordinance. (U)

- B. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- C. The maximum density permitted on this single access development shall be a total of fifty-one (51) residential lots. (P)
- D. Standard conditions. (P)
- E. Buffers shall comply with Section 17-70. (P)
- F. The final check and record plats shall note that there shall be no explicit rights or access to the pond located Tax ID 742-701-3196 given to the lots recorded herein. (P)
- H. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- I. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- J. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- K. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- L. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's Thoroughfare Plan, and all internal roads requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
 - A. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 - B. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.

- M. Either option A or B may be used for each category of road at the preference of the developer. (VDOT)
- N. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- O. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR (VDOT)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06TS0337: In Midlothian Magisterial District, **LBV INVESTMENTS, LLC** requested Planning Commission approval of a thirty-one (31) lot single family subdivision having access from North Otterdale Road Extension. The minimum lot size proposed is 8,050 square feet; the maximum lot size proposed is 18,073 square feet. The property is adjacent to Route 288. This development is commonly known as **ST. IVES**. This request lies in a Residential (R-12) District on a 26.35 acre parcel lying approximately 4,035 feet from the intersection of N. Otterdale Road and Wyldrose Drive, also fronting approximately 750 feet on Proposed N. Otterdale Road Extension approximately 400 feet north of its intersection with Paddle Creek Drive. Tax ID 718-713-4861 (Sheet 25).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved that tentative subdivision plat approval of a forty-five (45) lot subdivision for Case 06TS0337, LBV Investments (St. Ives), shall be and it thereby was granted, subject to the following conditions and review notes:

CONDITIONS

1. The tentative shall be revised and resubmitted for administrative approval in order to address Ordinance requirements as follows:
 - a. Label the buffers along North Otterdale Road as open space per Proffered Condition 2. (P)
 - b. Provide documentation showing the exact limits of clearing. (P)
 - c. Per Proffered Condition 5 indicate the materials for the hardscaping of the driveways. (P)
 - d. Street trees – In conjunction with the construction plans, provide 2 copies of the street tree landscape plans for review. Ensure there is no conflict between sidewalk locations, street trees and any proposed lighting. (P)

- e. Per Section 17-38(d)(3) provide all owner's names, gpin numbers, subdivision names and zoning of the adjacent properties. (P)
- f. As per Section 17-38(d)(4) ensure all existing on and off site easements are shown that affect this property. (P)
- g. Show the boundaries that meet the .75 acres required. (P)
- h. Show the limits of clearing. (P)
- i. With respect to road names, St. Ives Way is a road name duplication with the St. Ives Drive. Road name duplications are only permitted when a cul-de-sac comes off of a road of the same name. (EE)
- j. Please clarify the X's on St. Ives Way annotated as "break point." (EE)
- l. For location purposes, please identify Latham Boulevard and the adjacent parcel under the ownership of Frances Jarrell Construction is actually Lot 1, A Resubdivision of Open Space, Rosemont Section F. (EE)
- m. An assessment of the topography in relation to the lot layout has revealed several areas of storm water concentration which rein potential conflict with the desire not to have storm drainage problems related to the development of the house and lot. These are engineering issues which should be addressed by the construction plans and not left to the individual builders to deal with. The physical "low" of these drainage corridors should be field located and appropriate engineering proposals with respect to filling, grading, drainage storm sewer and building envelope locations should be made a part of the construction plans. These areas follows:
 - 1. The storm drainage corridor which begins upstream of lot 21, passes through lots 22 through 28 before reaching the wetlands.
 - 2. The drainage corridor which begins in lot 38 and accumulates the storm drainage from lots 32 through lot 44 concentrating through the center of lot 45. (EE)
- n. The RPA as it passes through the lot 1 resub of open space of Rosemont Section F is not shown consistent with the official RPA delineation as shown on the recorded plat. Please either delete this RPA information or have it coincide with that which is shown on the official record plat of this lot. (EE)
- o. The confirmed wetlands as shown on the plat of the Jarrell property extend into the lot to a considerably greater extent than shown on this tentative plat. The topography on the St. Ives side of Michaux Creek appears to be even flatter making the likelihood of wetlands extent greater than what is shaded. Has this

delineation been confirmed by the Corps? Please have Chris look at this before he writes the below discussed letter. (EE)

- p. Please provide a letter from Chris Dodson of the Timmons Group regarding the accuracy of the wetland's delineation portrayed on the tentative plan that is the basis for the RPA-limits establishment. Suggested wording is, "I have viewed the tentative plan for St. Ives dated March 13, 2006 by Balzer and Associates and find that it portrays an accurate representation of my field delineation of the wetlands located adjacent to Michaux Creek and the other unnamed perennial tributary to Michaux Creek." (EE)
 - q. The CBPA note number 2 is not complete at this time. A letter of exception request to the Director of Environmental Engineering Department is required. Upon approval of that exception to utilize an off site BMP, the responsible party for that BMP must provide this department with documentation that he has allotted that poundage to the St. Ives project. (EE)
 - r. The tentative plat shows no floodplain information for Michaux Creek and the unnamed tributary. The FEMA floodplain information available is only on Michaux Creek and it is a "approximated method" floodplain. The term "approximated method" is a euphemism for a floodplain established by a guess without the support of any hydrologic or hydraulic studies. The hydrologic and hydraulic studies for this project will be considerable and further complicated by the crossing of Michaux Creek and a substantial tributary by the extension of North Otterdale Road. (EE)
 - s. On the revised tentative plan, graphically show the proposed 8-inch water line along St. Ives Drive connecting to the existing sixteen (16) inch water line along North Otterdale Road. (U)
 - t. Please include a note in reference to the sewer design along St. Ives Dr. (U)
- 2. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
 - 3. The pedestrian-access facilities design as shown on the tentative shall be included in the road and drainage plans that must be approved by both VDOT and the Environmental Engineering Department. Road right of way shall be wide enough to encompass the pedestrian-access facilities if the sidewalks meet State criteria. (EE)
 - 4. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)

5. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
6. The subdivider shall post signs demarking the limits of the RPA so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
7. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
8. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
9. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions which are approved by the Environmental Engineering Department. (EE)
10. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one year after the streets are taken into the State system. (EE)
11. Prior to recordation, there shall be approved construction plans, adequate bonding, and dedicated seventy (70) foot right of way from the terminus of North Otterdale Road in Rosemont through St. Ives, Brook Creek Crossing and to the point where Otterdale Road is state maintained. (EE)
12. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
13. Hydrant locations shown on the tentative plan may not be in acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)
14. Section 19-559 shall be complied with. Homeowners association with mandatory membership will be required. Ownership and maintenance responsibilities of the association shall be stated on all final check and record plats. The subdivider shall submit draft bylaws and covenants of the association to the Planning Department and County Attorney's office in conjunction with the final check plat. The subdivider shall also incorporate the association with the state corporation commission. The approved bylaws and covenants shall be recorded prior to or in conjunction with the record plat. The recordation information shall be shown on the record plat and each subsequent final check

and record plat. The subdivider shall fund the first year operational expenses of the association. (P)

15. Standard conditions. (P)
16. All setbacks around cul-de-sacs shall be uniform. (P)
17. All proffered conditions regarding house size from Case 05SN0329 shall be noted on the final check and record plats. (P)
18. All buffers and the 200 foot sound setback along Route 288 shall be recorded in open space by Proffer 18 of 05SN0329. (P)
19. Additional pavement shall be constructed along Otterdale Road Extended at St. Ives Drive to provide a left and a right turn lane. (T)
20. It will be the responsibility of the subdivider to have the necessary road right of way for Otterdale Road Extended across County owned property designated as road right of way prior to road construction plan approval. (T)

REVIEW NOTES:

- A. The use of the public water and sewer system is required by Ordinance. (U)
- B. It is the subdivider's responsibility to see that this proposed development complies with the Chesterfield County Fire Department's required fire flow of 1000 gpm at 20 psi residual. (U)
- C. The maximum density permitted on this single access development shall be a total of fifty-one (51) residential lots. (P)
- D. Standard conditions. (P)
- E. Buffers shall comply with Section 17-70. (P)
- F. The final check and record plats shall note that there shall be no explicit rights or access to the pond located Tax ID 742-701-3196 given to the lots recorded herein. (P)
- G. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)

- H. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- I. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to State acceptance. (VDOT)
- J. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- K. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's Thoroughfare Plan, and all internal roads requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.
- Either option A or B may be used for each category of road at the preference of the developer. (VDOT)
- L. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- M. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- N. A VDOT land use permit for any and all required transportation improvements on North Otterdale Road shall be satisfactorily completed prior to recordation of any lots within this subdivision. (VDOT)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

D. FIELD TRIP AND DINNER SELECTIONS.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to meet for dinner at Chili's Grill & Bar on Jefferson Davis Highway, Chester, VA.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Bass, that the Commission adjourned the Afternoon Session at approximately 3:48 p. m., agreeing to meet at Chili's Bar & Grill on Jefferson Davis Highway at 5:00 p. m. for dinner.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the June 20th agenda was comprised of thirteen (13) cases; the July 18th agenda was comprised of fifteen (15) cases; and the August 15th agenda was comprised of four (4) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

Mr. Wilson stated the use of a speaker timer with signal light was being introduced this evening and, in accordance with the Commission's Suggested Practices and Procedures, the applicant, and/or the applicant's representative, would be allowed fifteen (15) minutes for their presentation, individual citizens would be allowed three (3) minutes for their comments and the applicant, and/or the applicant's representative, would be allowed five (5) minutes for rebuttal comments.

E. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

No one came forward to speak on unscheduled matters at this time.

F. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRALS BY APPLICANT.**

05SN0238: In Clover Hill Magisterial District, **BRACEY, LLC** requested deferral to June 20, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Convenience Business (C-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 4.2 acres fronting approximately 600 feet on the south line of Genito Road, also fronting approximately 900 feet on the west line of Woolridge Road and located in the southwest quadrant of the intersection of these roads. Tax ID 718-685-8949.

Mr. Darren Miller, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission public hearing.

Mr. Gulley stated he was not inclined to defer the request to the July meeting, based on information he had received from Mr. Joseph a few weeks earlier indicating he wished to proceed with the request.

Mr. Wilson opened the discussion for public comment relative to the deferral.

Mr. Shawn Clouse, representing Edgewater, Sections 1 and 2, opposed deferral of the request, citing concerns relative to overdevelopment of the property, traffic hazards, design plan standards and BMP requirements and referenced a petition containing twenty-seven (27) signatures opposing the request.

Mr. Francis Snell, Ms. Kathy Rivera, Ms. Lucy Grant, Ms. Tina DeHart and Mr. Chakraborty, area residents, opposed deferral of the request, citing concerns relative to overdevelopment of the property, density, existing sediment basin problems, water quality and the cumulative impact of the development on the community.

Ms. Marlene Durfee, Executive Director of the Responsible Growth Alliance of Chesterfield, expressed concerns that the applicant had not met with area residents or the Alliance to discuss the request and that forwarding the request at this time was premature.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Gulley expressed concern that the request for deferral was submitted only a day prior to the meeting; that the applicant's representative was not prepared to present the case; that citizens had appeared to address the request; and Mr. Joseph had not contacted him and could not be reached.

In response to a question from Mr. Gulley, Mr. Miller indicated he would accept deferral to the June 20, 2006, Planning Commission meeting.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 05SN0238 to the June 20, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley and Litton.
NAY: Mr. Bass.

06SN0200: In Bermuda Magisterial District, **PHILLIP W. HUGHES** requested deferral to June 20, 2006, for consideration of rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 1.4 acres fronting approximately 200 feet on the north line of West Hundred Road, also fronting approximately 200 feet on the west line of Osborne Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 793-656-4144, 4148, 4425 and 5233.

Mr. Dean Hawkins, the applicant's representative, requested deferral to the June 20, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0200 to the June 20, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0237: In Dale Magisterial District, **WATERMARK TOWN CENTER LLC** requested deferral to June 20, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and residential use of 1.0-2.5 dwelling units per acre. This request lies on 112.2 acres fronting approximately 1,900 feet on the west line of Iron Bridge Road approximately 350 feet north of Willowbranch Drive, also lying at the southern terminus of Manuel Street. Tax ID 771-677-3871.

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, and excused himself from the meeting at 7:16 p. m.

Mr. John V. Cogbill, III, the applicant's representative, requested deferral to the June 20, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0237 to the June 20, 2006, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT: Mr. Wilson

Mr. Wilson returned to the meeting at approximately 7:17 p. m.

06SN0250: In Dale Magisterial District, **SHAWN WEST** requested deferral to August 15, 2006, for consideration of Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 0.7 acre and is known as 7401 Hopkins Road. Tax ID 782-677-2190.

Ms. Shawn West, the applicant, requested deferral to the August 15, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0250 to the August 15, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SR0258: In Bermuda Magisterial District, **JOHN F. SQUIRES** requested deferral to August 15, 2006, for consideration of renewal of Conditional Use (Case 03AR0113) and amendment of zoning district map to permit a business (motor vehicle storage and towing lot) incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in an Agricultural (A) District on 3.6 acres and is known as 13125 Old Stage Road. Tax ID 803-651-7892.

Mr. John F. Squires, the applicant, requested deferral to the August 15, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SR0258 to the August 15, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0272: In Clover Hill Magisterial District, **PERSIAN PROPERTY, LLC** requested deferral to July 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 4.5 acres fronting approximately 500 feet on the south line of Hull Street Road, also fronting approximately 370 feet on the east line of Astor Road and located in the southeast quadrant of the intersection of these roads. Tax ID 758-690-2095.

Mr. S. Banerjee, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0272 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0285:* In Bermuda Magisterial District, **LIBERTY PROPERTY DEVELOPMENT CORP.** requested deferral to June 20, 2006, for consideration of amendment to Conditional Use Planned Development (Case 95SN0109) and amendment of zoning district map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Light Industrial (I-1) District on 15.2 acres fronting approximately 720 feet on the west line of Meadowville Road, also fronting approximately 1,330 feet on the north line of Kingston Avenue at its intersection with Rivers Bend Boulevard. Tax ID 818-655-2192.

Mr. John V. Cogbill, III, the applicant's representative, requested deferral to the June 20, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 05SN0285 to the June 20, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0310:* In Dale Magisterial District, **HILL DEVELOPMENT ASSOCIATES, LTD** requested deferral to July 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per

acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

Mr. Brennan Keene, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0310 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0155:* (Amended) In Midlothian Magisterial District, **CONTINENTAL 184 FUND LLC** requested deferral to July 18, 2006, for consideration of rezoning and amendment of zoning district map from Community Business (C-3), Residential (R-7) and Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily residential uses and a Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 70.1 acres fronting approximately 400 feet on the south line of Robious Road approximately 1,780 feet on the north line of Koger Center Boulevard and approximately 800 feet on the west line of Old Farm Road. Tax IDs 742-711-0925 and Part of 6653; 742-712-4671, 9467 and 9735; 742-713-8076 and 9753; 743-711-Part of 7937; 743-712-1198; and 743-713-0527.

Mr. John Easter, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0155 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

06SN0234:* In Matoaca Magisterial District, **ROBERT SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single

family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Mr. Cliff Sowers, the applicant, accepted deferral of the request by Mr. Bass to the June 20, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission, on their own motion, resolved to defer Case 06SN0234 to the June 20, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

06SN0241: In Matoaca Magisterial District, **VERNON LAPRADE** requested amendment to rezoning (Case 89SN0342) and amendment of zoning district map for relief from public water use, drainage plan submittal and certain transportation improvements for two (2) residential lots. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-25) District on 23.5 acres fronting approximately 1,030 feet on the west line of Exter Mill Road approximately 1,050 feet south of Trents Bridge Road. Tax IDs 747-622-7960; 747-623-5702; and 748-622-2252.

Mr. Vernon LaPrade, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission acknowledged withdrawal of the request to amend Condition 3 of rezoning (Case 89SN0342) relative to public water use.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Bass, seconded by Mr. Gecker, the resolved to recommend approval of Case 06SN0241 and acceptance of the following proffered condition:

PROFFERED CONDITION

With the exception of two (2) lots, the developer shall be responsible for the following road improvements with the initial development of the property:

- A. Road construction plans for the reconstruction of Exter Mill Road to VDOT urban collector road standards from Trents Bridge Road to the southern property line of

the subject property shall be submitted to, and approved by, the County's Transportation Department. Such reconstruction shall include, among other things, a right-turn lane on Exter Mill Road at the site road intersection.

- B. Dedication of all right of way necessary for the reconstruction of Exter Mill Road as identified in 2.A. Such dedication shall occur prior to the recordation of any lots.
- C. Reconstruction of Exter Mill Road to VDOT urban collector road standards, as determined by the Transportation Department, from Trent's Bridge Road to the southern property line of the subject property. Such construction shall be in accordance with road construction plans which have been approved by the Transportation Department in accordance with 2.A.
- D. In the event the developer is unable to acquire the section of right of way necessary for the reconstruction of Exter Mill Road from the northern property line of the subject property to Trent's Bridge (off-site right of way), the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition shall be borne by the developer. In the event the County chooses not to assist the developer in the acquisition of the off-site right of way, the developer shall be relieved of the obligation to acquire the off-site right of way and to reconstruct the section of Exter Mill Road between the northern property line of the subject property and Trent's Bridge Road.

(Note: This proffered condition supersedes Proffered Condition 13 of Case 89SN0342 for the request property only.)

(Staff Note: With the approval of this request Proffered Condition 10 is deleted for the request property only.)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SR0243: In Bermuda Magisterial District, **SHERBOURNE UNITED METHODIST CHURCH** requested renewal of Conditional Use (Case 03SN0330) and amendment of zoning district map to permit a medical clinic in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre. This request lies on 1.0 acre and is known as 2619 Sherbourne Road. Tax ID 790-683-4329.

Mr. Marshall Trammel, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SR0243, subject to the following conditions:

CONDITIONS

1. Any medical clinic shall only be permitted so long as a church operates on the property. (P)
2. The use shall be open to the public a maximum of three (3) days per week, from 9:00 AM to 4:00 PM. There shall be no Saturday or Sunday operations. (P)
3. Any controlled substances such as prescriptions, needles and narcotics shall be placed in a secured cabinet when the medical clinic is not open to the public. (P)
4. Signs shall be posted on the property prohibiting loitering. (P)
5. Any medical clinic shall be located within the basement of the church structure. (P)
6. Persons using the clinic shall enter and exit the facility on the east side of the building. (P)
7. Any solid waste storage area shall be located a minimum of 100 feet from adjacent residentially zoned properties and shall be screened by a solid wall or fence. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0256: In Dale Magisterial District, **HENRY E. MYERS, JR. (GENERAL PARTNER OF MYERS FAMILY PARTNERSHIP)** requested rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 6.9 acres fronting approximately 840 feet on the south line of Lori Road, also fronting approximately 330 feet on the east line of Frith Lane and located in the southeast quadrant of the intersection of these roads. Tax ID 769-663-Part of 9114.

Mr. Benjamin Myers, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Litton expressed concerns that the applicant had failed to contact either him or residents of Branch's Trace to schedule a community meeting to discuss the development's impact on access to Route 10 and Lori Road.

In response to Mr. Litton's concerns, Mr. Myers stated the applicant had mailed notices to the community but had received no response to the notice or requests for scheduling a meeting and apologized for the miscommunication.

Mr. Litton stated he felt deferral to the July 18, 2006, Planning Commission meeting would be appropriate to allow a community meeting to discuss the request.

At this time, Mr. Myers requested deferral of Case 06SN0256 to the July 18, 2006, Planning Commission public hearing.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0256 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0257: In Matoaca Magisterial District, **CHESTERFIELD COUNTY-UTILITIES DEPARTMENT** requested Conditional Use and amendment of zoning district map to permit a public utility use (water pump station and water tank) in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 7.0 acres and is known as 11730 River Road. Tax ID 746-630-2124.

Mr. John Harmon, representing the request, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SN0257, subject to the following conditions:

CONDITIONS

1. Any building or mechanical equipment shall comply with Sections 19-570 (b) and (c) and 19-595 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. Any buildings shall have a residential appearance and design. The exact treatment of the facility shall be approved by the Planning Department. (P)

(NOTE: This condition would require the screening of mechanical equipment, located on, or associated with, any building from adjacent properties and public rights of way. This condition would not require screening for the tank)

2. The tank shall be grey or another neutral color, acceptable to the Planning Department. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0205:* In Dale Magisterial District, **GOLF CONNECTION, LLC** requested amendment of Conditional Use (Case 88SN0148) and amendment of zoning district map relative to setbacks for outdoor recreational facilities. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-25) District on 160.7 acres fronting in three (3) places on the north and south sides of Highland Glen Drive. Tax ID 764-644-7996.

Ms. Orr presented an overview of the request and staff's recommendation.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

Mr. Jeff Collins, engineer for the proposal, distributed a handout reflecting several scenarios depicting screening of the Smith property from the proposed Highlands Clubhouse Expansion and addressed/answered questions relative to the visual and/or noise impact of the request.

Mr. Wilson opened the discussion for public comment.

Mr. Jared Smith, an adjacent property owner, expressed concerns that his property was the one in the area most affected by the proposal; that there were no scientific assurances the noise/visual aspects of this project would not impact him and his family; and asked that optical/audio studies be performed.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from Mr. Gulley, Mr. Collins stated the golf course was constructed prior to any homes in the area; the clubhouse was included in the Master Plan; and indicated the berm to be provided along the property line would preclude the visibility of all but the first level of the clubhouse from Mr. Smith's property.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0205 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of 100 feet from any single family residential lot line. The golf course and related appurtenances shall not be considered as an active recreational area. (P)
2. A fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities where adjacent to single family residential lots. This buffer shall conform to the requirements of the Zoning Ordinance for buffers, Section 19-522(2). (P)
3. Prior to the issuance of a certificate of occupancy for indoor recreational use on the portion of the request property adjacent to Tax ID 765-645-3181, a landscaped berm shall be installed along the property line abutting Tax ID 765-645-3181. The exact design and treatment of the berm shall be approved by the Planning Department at the time of site plan approval for such indoor recreational use. The berm shall be irrigated.

(Note: Conditions 1, 2 and 3 supersede Condition 10 of Case 88SN0148.)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

06SN0144:* In Midlothian Magisterial District, **HENRY JONES FAMILY L.C.** requested rezoning and amendment of zoning district map from Residential (R-9) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 8.00 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for village square, village shopping district and village fringe area uses. This request lies on 21.8 acres fronting approximately 600 feet on the west line of North Woolridge Road, also fronting approximately eighty (80) feet on the south line of Grove Hill Road. Tax ID 731-706-Part of 3947.

Ms. Orr presented an overview of the request and staff's recommendation for denial; referenced the Addendum noting submitted revisions to the application in response to concerns expressed by area citizens, noted that Proffered Condition 1 and Textual Statement Section 9 had been amended; and that an additional proffered condition was submitted relative to landscaping along Woolridge Road. She stated while the revisions addressed concerns relative to uniform landscaping standards along North Woolridge Road and common area between unit groups, staff continued to recommend denial of this request because, as outlined in the "Request Analysis," this isolated proposal failed to ensure the coordinated integration of these residential uses with future surrounding commercial development and the requested exception to off-street parking requirements may result in deficiencies in parking.

Mr. John Easter, the applicant's representative, did not accept staff's recommendation, presented a summary of the proposed development and noted the project was compatible with area development trends and would be an asset to the community.

Mr. Dave Anderson, Timmons, presented an overview of the proposal and addressed concerns relative to the layout of the property, uses, traffic and speed, open spaces, density, architecture and landscaping, treescape and sidewalks, etc.

Mr. Wilson opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Coalition; Mr. Tom Garner, property owner to the south of the site; and Dr. Tom Pakurar, a Clover Hill District resident, voiced support for the project, noting the unique economic model the development presented for the County.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from the Commission, Messrs. Easter, Smith and Garner addressed/answered questions relative to abandoned, underground mines in the area, geotechnical studies and other concerns.

Mr. Gecker stated this case had been difficult; expressed concerns regarding the potential for the rear of the townhomes to face Route 60 which he felt may negatively impact the character of the Village; stated that, although he had a great deal of respect for those involved in the project, he did not feel the proposed use complied with the Village Plan; and indicated he could not support a recommendation for approval.

Mr. Gulley expressed concerns regarding the lack of a geotechnical study for the project, noting he was surprised the Coalition supported the request given that the proposed land use was not within the parameters of the Village Plan.

Mr. Wilson stated he felt the proposal was an excellent example of what was desired in the Village and he was not inclined to vote against a recommendation for approval.

Mr. Gecker made a motion, seconded by Mr. Gulley, to recommend denial of Case 06SN0144.

AYES: Messrs. Gecker and Gulley.

NAYS: Messrs. Wilson and Bass.

ABSTENTION: Mr. Litton.

The Commission being polled, the vote for denial of Case 06SN0144 was as follows:

Mr. Bass: Nay.

Mr. Gecker: Aye.

Mr. Wilson: Nay.

Mr. Litton: Nay.

Mr. Gulley: Aye.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0144 and acceptance of the following proffered conditions:

1. Master Plan. The textual statement dated May 15, 2006, and the Conceptual Layout prepared by Timmons Group, dated November 1, 2005, shall be considered the Master Plan. The site shall be developed in general conformance with the Conceptual Layout. Conformance shall require: minimized front setbacks from internal roads; road connections to adjacent properties in the general vicinity shown on the Conceptual Layout; use of detached garages with alleys; road configurations generally as shown on the Conceptual Layout unless otherwise required by VDOT or the Chesterfield County Transportation Department; interspersed open space throughout the Property, with adjacent townhouses fronting on such open spaces to the extent feasible. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Public Water and Wastewater. The public water and wastewater systems shall be used. (U)
4. Vehicular Access to Woolridge Road. Direct vehicular access from the Property to Woolridge Road shall be limited to one (1) public road (the "Site Road"). The exact location of this access shall be approved by the Transportation Department. (T)

5. Public Roads. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
6. Detached Garages. Initially all townhouse units shall have detached garages that are accessed from alleys at the rear of the townhouse lots. (P)
7. Sidewalks. Sidewalks and trails shall be provided to facilitate pedestrian access within the development and to adjacent development. Sidewalks shall be provided generally along both sides of public roads that have units fronting the road. (P)
8. Street Trees. Street trees shall be provided along both sides of all public roads that have units fronting the road. (P)
9. Building Orientation. With the exception of those units located within 300 feet of Woolridge Road, any townhouse unit located within fifty (50) feet of the northern perimeter of the Property shall be oriented so that its side or rear faces toward the northern property line. (P)
10. Road Improvements. To provide an adequate roadway system, the Developer shall provide the following road improvements with initial development of the Property:
 - a. Construction of additional pavement along North Woolridge Road at the Site Road intersection to provide a right turn lane into the Property;
 - b. Modifications to the traffic signal at the North Woolridge Road/Walton Park Drive/ Site Road intersection to provide for access to the Property;
 - c. Construction to VDOT standards and acceptance into the State System of a two-lane road from a public road within the Property, as identified in Proffered Condition 5, to Route 60, extending generally along the eastern property line of Midlothian Middle School ("North-South Road"), if approved by the Chesterfield Transportation Department and VDOT. Additional pavement shall be provided for the North-South Road at its intersection with Route 60, to provide a three-lane typical section (one southbound lane and two northbound lanes);
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the "off-site" right-of-way that is necessary for such improvements, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)
11. Restrictive Covenants. Prior to recordation of the initial subdivision plat, restrictive covenants shall be recorded that provide for the following:

- a. An architectural review committee ("ARC"), which, until such time as the Property is fully built out, shall include, in addition to the developer's representatives and property owners, one member selected by the Village of Midlothian Volunteer Coalition and one member who is a licensed architect.
 - b. Incorporation of the language set out in the Architectural Guidelines attached as Exhibit A. The restrictive covenants shall not be changed for a period of ten (10) years from the date of the issuance of the first building permit, and the Architectural Guidelines shall not be changed except by unanimous decision of the ARC;
 - c. Enforceability of the restrictive covenants by the Village of Midlothian Volunteer Coalition-- until such time as the permanent occupancy permit has been issued for all residential units -- through any applicable administrative process provided by the restrictive covenants, through judicial review, or through any other available legal remedy; and
 - d. Variation in Building Height: Townhome units shall be either two (2) or three (3) stories in height, not including any attic. In order to obtain variety in building massing within the Project, no more than 2/3 of the units may have the same number of stories. Variety in massing may be achieved by variations in the number of stories both within groups of townhomes and between groups of townhomes. (P)
12. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield for infrastructure improvements within the service district for the property:
- a. Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the property:
 - i) If payment is made prior to July 1, 2006, \$15,600.00 per dwelling unit. At time of payment, \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads and \$404.00 for fire stations and \$5,331.00 for schools; or
 - ii) If payment is made after June 30, 2006, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 12.a.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made.
 - iii) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

13. Geotechnical Report. A geotechnical report prepared by a consultant who has had previous mining/geotechnical experience in reclamation of mine shafts shall be submitted to the Environmental Engineering Department prior to or in conjunction with any subdivision submission. Upon review by Environmental Engineering, or its designee, the report may either be accepted or revisions requested and, if revisions are requested, the report shall be resubmitted in the same manner for review and acceptance by Environmental Engineering, or its designee. The report shall include, but not be limited to, the following:
- a. The location and analysis to include, but not be limited to, type (e.g., mine entrance shaft, air vents, unsuccessful exploratory pits, etc.), size, and depth of any mining pits or tailing heaps;
 - b. Fill-in/reclamation procedures; setbacks between the perimeter of any shaft; and any other measures intended to protect the health, safety, and welfare of people and structures;
 - c. The impact of any horizontal shafts on construction and future health, safety, and welfare issues;
 - d. The location and number of soil borings and depth necessary to confirm that building sites are not impacted by any horizontal shafts; and
 - e. The allowable building envelopes and location based on the geotechnical recommendations.

All development on the Property shall comply with the recommendations of the accepted report. Prior to final subdivision approval, the developer shall submit to Environmental Engineering evidence of compliance with the recommendation of the geotechnical report. (EE)

14. Landscaping Along Woolridge Road. Within the setback along Woolridge Road, landscaping shall be provided that meets, at a minimum, the requirements of perimeter landscaping E. (P)

AYES: Messrs. Wilson, Litton and Bass.

NAYS: Messrs. Gecker and Gulley.

06SN0146:* In Clover Hill Magisterial District, **TROPICAL TREEHOUSE INC. BY HENRY E. MCAULIFFE** requested Conditional Use to permit greenhouse and nurseries plus Conditional Use Planned Development to permit exceptions to Ordinance requirements and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 9.7 acres fronting approximately 360 feet on the east line of Courthouse Road approximately 470 feet south of Smoketree Drive. Tax IDs 745-700-1758 and 1872.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed land uses did not conform to the Northern Area Plan; the land uses were not representative of, nor compatible with, existing and anticipated area residential development; the application failed to address Transportation issues relative to access limitations and road improvements along Courthouse Road; and the requested exceptions relative to parking space provisions, parking area and driveway design, width and

setbacks were inappropriate for a growing commercial operation that should be upgraded to comply with Ordinance standards as required for other similar commercial operations.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the use was a neighborhood business in existence for twenty-five (25) years; the project was envisioned as a park-like scene; and his client's constituents liked the business as it existed and considered it a visual amenity for the community.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley indicated that the use had existed for a number of years with no apparent adverse impact on the area; that the use provided a service to the neighborhood; that the existing driveway widths and gravel parking areas had not created any problems; and he was satisfied that the request, as presented, warranted a recommendation for approval.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0146 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The Textual Statement, dated March 28, 2006, shall be considered the Master Plan. (P)
2. This Conditional Use shall be granted to and for Gene McAuliffe or his immediate family and heirs, exclusively, and shall not be transferable or run with the land. (P)
3. This Conditional Use shall be limited to the operation of a retail and wholesale greenhouse and nursery. (P)
4. The hours of operation that the business will be open to the public shall be limited to Monday through Saturday from 9:00 a.m. to 8:00 p.m. and Sunday from 10:00 a.m. to 5:00 p.m. (P)
5. Except as noted below and in the Textual Statement dated March 28, 2006, the existing facility shall be upgraded and future expansions designed to conform to the requirements of the Zoning Ordinance for General Business (C-5) Districts in Emerging Growth areas. A separate schedule for the implementation of these improvements shall be submitted to the Planning Department within thirty (30) days of the approval of this request:

- a. Screening

With the exception of mulch and gravel storage, loading and unloading areas and 2 (two) storage trailers if located behind the retail/office building, all outside storage shall be screened in accordance with the requirements of the Zoning Ordinance.

b. Continuous Outside Display

There shall be no limitation on the quantity of continuous outside display. Such display shall not be required to be located under cover. There shall be no minimum required setback for this display from Courthouse Road.

c. Perimeter Landscaping

Perimeter landscaping requirements adjacent to Tax ID 745-700-2188 shall be modified to consist of, at minimum, a row of evergreen plants that have a mature growing height of at least ten (10) feet with a spacing of no greater than ten (10) feet on center.

d. Buffers

Buffer requirements adjacent to Tax ID 744-700-9828 shall be reduced to a minimum of ten (10) feet in width as shall contain, at minimum, a row of mixed evergreen plants that have a mature growing height of at least ten (10) feet with a spacing of no greater than ten (10) feet on center.

Buffer requirements adjacent to Heatheridge and Briarcliff subdivisions shall conform to Ordinance requirements for C-3 districts. (P)

6. There shall be no access to the site from Mullenex Way. (P)

7. Additional pavement and curb and gutter shall be constructed across the front of the property as required by the Transportation Department at such time as the existing facility is expanded. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0162:* In Bermuda Magisterial District, **YI NAN CHOU AND WAN FEN CHOU** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in an Agricultural (A) District on 2.7 acres and is known as 11860 Iron Bridge Road. Tax ID 776-653-9843.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Central Area Plan and the proposed zoning and land uses were not representative of, and compatible with, anticipated area development. He referenced the Addendum, noting that, on May 12, 2006, in response to concerns expressed by the Bermuda District Commissioner, the applicant submitted revised and additional proffered conditions addressing concerns relative to restricting the uses permitted on the property; architectural compatibility between this project, adjacent commercial and office development currently proposed as part of pending Case 06SN0196 and a parcel located on the east line of Branders Creek Drive; and pedestrian connectivity along Iron Bridge Road.

Ms. Carrie Coyner, the applicant's representative, did not accept staff's recommendation, noting that although the proposed use may not comply with the area Plan, it did meet area needs.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson indicated the use restrictions were not a major deviation from the area Plan recommendation and the restaurant use would serve the community.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend denial/approval of Case 06SN0162 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County proffers that the development of the property known as Chesterfield County Tax ID 776-653-9843-00000, (the "Property") under consideration will be developed according to the following conditions. In the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

In conjunction with this Rezoning application, the Applicant hereby makes the following proffers:

1. Access. With the exception of a private driveway that serves the existing residence, direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. Prior to the issuance of a certificate of occupancy for any development or redevelopment on the property, as determined by the Transportation Department, the private driveway shall be removed. (T)
2. Transportation. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - a. Prior to any site plan approval or within sixty (60) days of approval of this request, whichever occurs first, 100 feet of right-of-way on the south side of Route 10 measured from the centerline of the road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County
 - b. Prior to the issuance of a certificate of occupancy for any development or redevelopment on the property, as determined by the Transportation Department, an additional eastbound lane shall be constructed along Route 10 for the entire property frontage. (T)
3. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the

Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

4. Utilities. The public water and wastewater systems shall be used. The Owner-Applicant shall connect to the Piney Branch pump station when connection is available. The Owner-Applicant may continue to use the existing structure without connecting to the public water and wastewater systems so long as no additional square footage is constructed. (U)
5. Uses shall be limited to restaurant and those uses permitted by right and with restrictions in a Corporate Office (O-2) district. (P)
6. Architectural Compatibility. For the purposes of architectural treatment, the property shall be considered as part of a project consisting of this property plus Tax IDs 777-653-9412 and all property zoned Community Business (C-3) and Corporate Office (O-2) in zoning case 06SN0196. (P)
7. Sidewalks. A sidewalk shall be provided along the south side of Ironbridge Road for the entire frontage of the Property. The exact design and location of the sidewalk shall be approved by the Transportation Department. To the extent allowed by VDOT, the sidewalk may be located within the public right of way. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0163:* In Matoaca Magisterial District, **SWIFT CREEK REALTY PARTNERS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 74.4 acres fronting approximately seventy (70) feet on the north line of Cosby Road approximately 1,140 feet east of Otterdale Road, also fronting approximately 910 feet on the east line of Otterdale Road approximately 1,290 feet north of Cosby Road. Tax IDs 711-671-8733; 712-671-5171; 712-672-3060; 713-672-1358; and 713-673-Part of 1067.

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, and excused himself from the meeting at 9:04 p. m.

Mr. Clay presented an overview of the request and staff's recommendation; referenced the Addendum denoting that on May 12, 2006, to address concerns expressed by staff, the applicant submitted amendments to the proffered conditions and Textual Statement which specifically addressed the impact on schools facilities as well as the spacing of street trees, number of parking spaces, and tracking of parcel coverage. He stated, in addition, the applicant had agreed to submit an overall plan to facilitate the tracking of parcel coverage and had amended Proffered Condition 1 to reflect the latest revision date on the Textual Statement. He further noted that staff continued to recommend approval of this request and acceptance of the proffered conditions, subject to the applicant adequately addressing environmental concerns and number of parking spaces, as outlined in the "Request Analysis."

Mr. John V. Cogbill, III, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Don Hughes, a resident of Edgewater, supported the request indicating the applicant had done everything he said he would; that given the status of State funding, approval of this request would provide timely cash contributions toward road improvements which may otherwise go unfunded; and stated he felt the development would be an asset to the community.

Dr. Tom Pakurar, a County resident, expressed concerns relative to the environmental impact of the proposed development on the Upper Swift Creek Reservoir and stated he felt, given the most recent rejection of the County's Regional Best Management Plan by the Environmental Protection Agency, Proffered Condition 3 should be modified to delete any reference to the Regional BMP Plan and the County would best be served by requiring the developer to construct his own BMP.

Ms. Shelly Schuetz, a Matoaca District resident, expressed concerns relative to the applicant fully addressing the development's impact on school capital facilities.

Ms. Marlene Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, requested clarification as to the terminology of "age-restricted" and "age-targeted" development and expressed concerns relative to density, open space and traffic volumes/conditions in the Otterdale/Woolridge Roads area.

Ms. Andrea Epps, a County resident, stated she did not support or oppose the project but expressed concerns relative to transportation improvements in the Otterdale/Woolridge Roads area and suggested that other funding alternatives, other than developer contributions, be sought for transportation improvements.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Cogbill addressed the previously expressed concerns, noting the proposed development would provide a vibrant and upscale quality of living.

In response to questions from Mr. Bass, Messrs. McElfish and McCracken addressed/answered questions regarding environmental/transportation issues.

Mr. Bass indicated the proposal complied with the Plan; that the impact on capital facilities had been addressed; that water quality concerns could be addressed through the plan process; and he felt approval of the request was appropriate.

Mr. Gulley expressed concern relative to the impact on water quality, but indicated that he would support the project given the intended road improvements, noting, however, that this request was a unique exception and his action on this request was not indicative of his support for other future similar requests.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0163 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 713-673-1067 (part), 713-672-1358, 712-672-3060, 712-671-5171, and 711-671-8733 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-MF with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement dated October 12, 2005, last revised May 16, 2006, shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used, except for sales facilities and/or construction offices. (U)
3. Cash Proffers. In addition to the Transportation Contribution described in Proffered Condition 10, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a residential building permit for infrastructure improvements within the service district for the Property:
 - A. \$6,685 per dwelling unit, if paid prior to July 1, 2006. At the time of payment, \$6,685 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks, \$348 for libraries, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$6,685 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - B. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, subdivider, or assignee(s) shall pay \$1,354.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006. The \$1,354.00 for any units developed shall be allocated pro-rata among the facility costs: \$602 for parks, \$348 for library facilities, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$1,354.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount

paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

4. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (B&M)
5. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 4 shall be noted on the site plan. Such dwelling units shall be grouped together as part of the same development section(s). (P)
6. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first.
 - A. Forty-five (45) feet of right-of-way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the Property.
 - B. A seventy (70) foot wide right-of-way for the east/west collector (the "East-West Road") from Otterdale Road through the Property to the eastern Property line or in an alternate location acceptable to the Transportation Department. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
7. Access.
 - A. Direct vehicular access from the Property to Otterdale Road shall be limited to the East-West Road.
 - B. No direct vehicular, except for emergency or construction, access shall be provided from the Property to Cosby Road.
 - C. Prior to site plan approval, an access plan for the East-West Road shall be submitted to and approved by the Transportation Department. Access from the Property to the East-West Road shall conform to the approved access plan. (T)
8. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required by the Developer.
 - A. Widening/improving the east side of Otterdale Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing

centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.

- B. Construction of two lanes of the East-West Road, to VDOT Urban Collector (40 MPH) standards with any modifications approved by the Transportation Department, from Otterdale Road through the Property to the eastern Property line or in an alternate location acceptable to the Transportation Department. The exact location of this road shall be approved by the Transportation Department.
 - C. Construction of left and right turn lanes along Otterdale Road at the East-West Road intersection.
 - D. Construction of left and right turn lanes along the East-West Road at each approved access, if warranted, based on Transportation Department standards.
 - E. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
9. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)
10. Transportation Contribution. The applicant, his successor(s), or assignee(s) (the "Applicant") shall make the following payments to the County of Chesterfield. The payments shall be used for road improvements in accordance with the Board's cash proffer policy. The payments could be used towards road improvements to Woolridge Road and/or Otterdale Road.
- A. Prior to issuance of the first residential building permit for the first dwelling unit on the Property, the amount of \$1,158,950.
 - B. Prior to issuance of a residential building permit for a cumulative total of more than 130 dwelling units on the Property, the amount of \$1,158,950.

- C. Prior to issuance of each residential building permit that would be in excess of a cumulative total of more than 260 dwelling units on the Property, the amount of \$8,915.
 - D. If the amounts above are paid after June 30, 2006, then each amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.
 - E. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 8, then the transportation contribution in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the transportation contribution in this Proffered Condition as determined by the Transportation Department. Once the sum total amount of the transportation contribution credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the transportation contribution as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit amount. (B&M and T)
11. Density. The maximum number of dwelling units permitted on the Property shall be 520. (P)
12. Buffers. The following buffers shall be provided.
- A. A fifty (50) foot buffer shall be provided adjacent to Otterdale Road. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers provided, however, the Planning Commission may modify the buffer requirement at the time of site plan review.
 - B. A thirty-five (35) foot buffer shall be provided adjacent to the East-West Road. This buffer shall conform to the requirements of the Zoning Ordinance for thirty five (35) foot buffers provided, however, the Planning Commission may modify the buffer requirement at the time of site plan review. (P)
13. Public Streets. All streets that accommodate general traffic circulation through the Property, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and as set forth in the Textual Statement, and taken into the State System, except that if a third access road is required under Section 19-111 (h) it may be private. (T)

14. Virginia Condominium Act. All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT: Mr. Wilson.

Mr. Wilson returned to the meeting at approximately 9:57 p. m.

06SN0196:* In Bermuda Magisterial District, **PRINCETON PROPERTIES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-15) to Residential Townhouse (R-TH) with Conditional Use Planned Development of 38.0 acres; Agricultural (A) to Corporate Office (O-2) of 2.2 acres; Corporate Office (O-2) to Community Business (C-3) of 6.4 acres; and Corporate Office (O-2) to Multifamily Residential (R-MF) of 1.0 acre. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The density of such amendment for Corporate Office (O-2) and Community Business (C-3) uses will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and community mixed use uses. This request lies on 47.6 acres fronting approximately 440 feet in two (2) places on the south line of Iron Bridge Road, also fronting approximately 300 feet on the east line of Edenshire Road and fronting approximately 250 feet on the south line of Rivington Drive and located in the southeast quadrant of the intersection of these roads. Tax IDs 776-652-0051, 1462, 2477, 3293 and 7829; 777-652-3981 and Part of 6715; and 777-653-3211.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the application failed to address the traffic impact in regards to construction of the Thoroughfare Plan road; the proffered conditions did not adequately address the impacts of this development on necessary capital facilities; the requested exception to the provision of off-street townhouse parking exclusive of individual garages may result in long-term deficiencies in parking; and the proffered conditions did not address the provision of a focal point to meet the typical standard for similar projects and did not provide sufficient guidance as to the required size of the club house.

Mr. Ed Kidd, the applicant's representative, did not accept staff's recommendation, noting the applicant felt the issues outlined by staff had been adequately addressed.

No one came forward to speak in favor of, or in opposition to, the request.

There was general discussion among the Commission as to whether a reduced cash proffer for school impacts was appropriate where the project was not age restricted. They noted that the previous case on the same agenda had offered full cash proffer except for those units which were specifically age restricted. The Commission requested that staff notify the Board of the differences in the two cases and suggested that the issues should be addressed by the Commission and Board.

Mr. Wilson indicated he was not convinced that this applicant should bear the full cost of construction of Carver Heights Drive Extended; that the school cash proffer was consistent with that accepted for similar cases limiting the number of bedrooms; that since the only exception requested to the R-TH standards was

parking, imposition of the typical focal point requirements may not be appropriate; and that he was not convinced that parking in garages should not be counted toward the required number of parking spaces.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0196 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 776-652-2477, 776-652-3293, 776-652-7829, 777-653-3211, 776-652-1462, 776-652-0051 and 777-652-3981 and a portion of 777-652-6715 containing a total of 47.6 acres (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property for C-3, O-2, R-MF and RTH with CUPD is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

For the purposes of this Statement of Proffered Conditions, "Use Exception Property" shall mean the 5.0 acre portion of the Property lying on the south line of Ironbridge Road for which an R-TH with CUPD rezoning is requested and which is further defined in the Textual Statement referenced below, "Townhouse Property" shall mean the 38.0 acre portion of the Property for which an R-TH with CUPD rezoning is requested, less the Use Exception Property, and "Commercial Property" shall mean the 8.6 acre portion of the Property for which C-3 and O-2 rezoning is requested.

THE FOLLOWING PROFFERS ARE APPLICABLE TO THE ENTIRETY OF THE PROPERTY:

1. Utilities. The public water and wastewater systems shall be used. (U)
2. Timbering. Except for Timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

THE FOLLOWING PROFFERS ARE APPLICABLE TO THE ENTIRETY OF THE PROPERTY UNLESS OTHERWISE SPECIFICALLY NOTED:

3. Transportation.
 - a. In connection with recordation of the initial subdivision plat for the Property, prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, the following rights of way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

1. One hundred (100) feet of right-of-way on the south side of Ironbridge Road, measured from the centerline of that part of Ironbridge Road, immediately adjacent to the Property; and
 2. Any additional right of way required to widen the existing right of way for Carver Heights Drive to a total width of ninety (90) feet along the southern boundary line of the Townhouse Property or in such other location and of such width as otherwise agreed to by the developer and the Transportation Department.
- b. To provide for an adequate roadway system, the developer shall be responsible for the following:
1. Construction of an additional lane of pavement along the eastbound lanes of Ironbridge Road at the Site Access (as defined below) and at the Edenshire Road intersection to provide separate right turn lanes.
 2. Construction of additional pavement along Edenshire Road to provide a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes) at its intersection with Ironbridge Road. The exact length of this improvement shall be approved by the Transportation Department.
 3. Full cost of traffic signalization at the Edenshire Road/Ironbridge Road intersection (the "Traffic Signal"), if warranted by development of the Townhouse Property or the Commercial Property, as determined by the Transportation Department.
 4. Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified above. In the event any additional right of way is required for the design approved by the Transportation Department for the improvement described in Proffered Condition 3.b.2., the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the additional right of way, the developer shall be relieved of the obligation to acquire the additional right of way and shall be obligated to construct the improvements only within available public right of way, as determined by the Transportation Department.

Prior to any site plan or road construction plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department.

- c. Except for a private driveway that serves only one (1) single-family dwelling on the Use Exception Property, direct vehicular access from the Property to Ironbridge Road shall be limited to one (1) entrance/exit (the "Site Access"), generally located along the common boundary line of the parcel identified as Tax ID 777-653-3211 (the "C-3 Parcel") and the parcel adjacent to and west of the C-3 Parcel and identified as Tax ID 776-653-9843 (the "Adjacent Parcel"), or as otherwise approved by the Transportation Department. The Site Access shall be designed and constructed to provide shared use with the Adjacent Parcel. The design of the Site Access shall be approved by the Transportation Department. Prior to any site plan approval which includes the Site Access, an access easement, acceptable to the Transportation Department, shall be recorded across the C-3 Parcel and/or the Adjacent Parcel to ensure shared use of the Site Access.
- d. All roads that accommodate general traffic circulation through the Townhouse Property (the "Circulation Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from the Circulation Roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance but will be sufficient to accommodate the sidewalks and street trees proffered herein.
- e. Prior to the recordation of the initial subdivision plat establishing lots within the Townhouse Property, the developer shall pay \$170,000 to the County to be applied to the cost to construct an extension of or improvements to Carver Heights Drive, or for other road improvements within the Property's traffic shed as defined in the County's cash proffer policy. (T)

THE FOLLOWING PROFFER IS APPLICABLE ONLY TO THE TOWNHOUSE PROPERTY AND THE USE EXCEPTION PROPERTY:

- 4. Textual Statement. In conjunction with the approval of this request, the Textual Statement dated May 16, 2006, shall be approved. (P)

THE FOLLOWING PROFFERS ARE APPLICABLE ONLY TO THE COMMERCIAL PROPERTY:

- 5. Architectural Compatibility. For the purposes of architectural treatment, the C-3 and O-2 tracts shall be considered as part of a project consisting of these tracts plus Tax ID 777-653-9412. (P)
- 6. Sidewalk. A sidewalk shall be provided along the south side of Ironbridge Road for the entire frontage of the Commercial Property. The exact design and location of the sidewalk shall be approved by the Transportation Department. To the extent allowed by VDOT, the sidewalk may be located within the public right of way. (P)

THE FOLLOWING PROFFERS ARE APPLICABLE ONLY TO THE TOWNHOUSE PROPERTY:

7. Dwelling Size and Building Materials.
- a. Each dwelling unit shall have a minimum gross floor area of one thousand three hundred fifty (1,350) square feet.
 - b. Not less than forty (40) percent of the exposed portions of the front of each grouping of dwelling units shall be constructed of brick veneer. All other exposed exterior portions of each dwelling unit shall be constructed of vinyl siding or cement board siding or other materials of similar quality, durability, and appearance as approved by the Planning Commission in connection with tentative subdivision plan review. Roofs on dwelling units shall be of asphalt shingles or other materials with a minimum life of 20 years. (P)
8. Driveways. All private driveways shall be hardscaped with asphalt, concrete or aggregate. (P)
9. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, any dwelling units designated by the developer as age-restricted ("Age-Restricted Units") shall be restricted to "housing for older persons" in accordance with the Virginia Fair Housing Law and no persons under nineteen (19) years of age shall reside therein. (B&M)
10. Senior Housing. Any Age-Restricted Units shall be noted on the subdivision plat for the Townhouse Property and shall be grouped together within the same development section or sections. (P)
11. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the amounts set forth below to the County of Chesterfield, prior to the issuance of a building permit for each new dwelling unit for infrastructure improvements within the service district for the Townhouse Property:
- A. For all dwelling units initially constructed with more than two (2) bedrooms and which are not Age-Restricted Units:
 - 1. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
 - 2. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - B. For all dwelling units initially constructed with two (2) or fewer bedrooms or which are Age-Restricted Units:
 - 1. \$10,269.00 per dwelling unit, if paid prior to July 1, 2006; or

2. The amount approved by the Board of Supervisors not to exceed \$10,269.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 3. At the time of payment, the \$10,269.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads, and \$404.00 for fire stations. Payments in excess of \$10,269.00 shall be prorated based on the allocation set forth above.
- C. Building plans submitted for building permits shall designate the number of bedrooms in each dwelling unit.
- D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Townhouse Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees in a manner as determined by the County. (B&M)
12. Recreation. Pursuant to Section 19-105(o) of the Zoning Ordinance, the following recreational areas and facilities shall be provided with a total acreage equal to or greater than the acreage required by the Zoning Ordinance:
- a. An outdoor fitness system for active recreation to include (i) jogging or walking trails hardscaped with asphalt or other materials approved by the Planning Department and (ii) fitness stations or fitness clusters adjacent to the trails constructed primarily of wood or other materials of a natural appearance.
 - b. Park-like areas for passive recreation, hardscaped with features such as benches, gazebos or similar structures.
 - c. A playground area designed for use by small children with playground equipment constructed primarily of wood or other materials of a natural appearance, provided any playground areas shall be located a minimum of forty (40) feet from the property lines of lots within the Townhouse Property and a minimum of thirty-five (35) feet from any public roads.
 - d. A clubhouse building of a minimum size of 1,600 gross square feet. (P)
13. Garages. A minimum of fifty-one (51) percent of the total dwelling units shall initially be constructed with either a one (1) car garage or a two (2) car garage. The front of each front-loaded garage shall be located no closer to the Circulation Roads than the front façade of the dwelling unit it serves. (P)
14. Sidewalks. Sidewalks shall be provided on both sides of all rights of way for the Circulation Roads and along the southern line of the right of way for any roadway which

extends Rivington Drive to connect Edenshire Road and Branders Creek Drive (the "Connector Road"). To the extent allowed by VDOT, such sidewalks may be located within the public rights of way. (P)

15. Street Trees. Street trees shall be installed along each side of the Circulation Roads and along the southern line of the right of way for the Connector Road. (P)
16. Project Identification Signs. Any Residential Community Identification signs shall be a monument design and shall not exceed a height of six (6) feet. (P)
17. Light Poles. Light poles shall have maximum height of fifteen (15) feet. (P)
18. Access. No lots shall have direct vehicular access from Edenshire Road or sole access to Ironbridge Road via Edenshire Road. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

Ms. Andrea Epps, a County resident, suggested that, given the most recent rejection of the County's Regional Best Management Plan by the Environmental Protection Agency, consideration should be given to controlling/deferring zoning requests located in the Upper Swift Creek Reservoir area.

Ms. Shelly Schuetz, a Matoaca District resident, stated she supported restricted development but felt that the full cash proffer amount as set for by the Board of Supervisors should be required for age-restricted/age-targeted developments.

Ms. Marlene Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, stated she felt the policy defining "age-restricted/age-targeted" development should be revisited.

H. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 10:30 p. m. to June 20, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Chairman/Date

Secretary/Date